

Applicants: YOKHIN et al.
Serial No.: TO BE ASSIGNED
Filed: August 6, 2003
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REMARKS

This application is a continuation of co-pending Application No. 10/300,504 ("the '504 Application") which is a continuation of U.S. Application No. 09/833,902 ("the '902 Application", now U.S. Patent No. 6,512,814).

The '902 Application entitled "X-Ray Reflectometer" was filed on April 12, 2001 with 49 Application Claims. On February 5, 2002, a restriction requirement issued requiring election between group I (Claims 1-14, 24-41 and 46-49) and group II (Claims 15-23 and 42-45). On March 5, 2002, Applicants elected to pursue group II, Claims 15-23 and 42-45 with traverse as to the unelected claims. The claims of group I were cancelled and became the basis for the '504 Application, filed on November 20, 2002.

In a May 8, 2002 Office Action in the '902 Application, Claims 15-23 and 42-45 were rejected. On August 6, 2002 Applicants filed a response cancelling claims 15-18, 21, 22, 44 and 45, without prejudice, and amending Claims 19, 20, 23 and 42. On August 27, 2002 a Notice of Allowability issued allowing Claims 19, 20, 23, 42 and 43. The '902 Application issued as U.S. Patent No. 6,512,814 on January 28, 2003.

The '504 Application was filed on November 20, 2002. On May 12, 2003, a restriction requirement issued requiring election between group I (Claims 1-14, 24-36 and 46-49) and group II (Claims 37-41). On April 9, 2003, Applicants elected to pursue the group I Claims with traverse as to the unelected claims. On May 2, 2003, the Examiner advised us that the elected group I Claims 1-14, 24-36 and 46-49 were in condition for allowance provided that the group II Claims 37-41 were cancelled from the application. Claims 37-41 were cancelled without prejudice and on May 6, 2003 a Notice of Allowance issued.

The only claims in the original application which have not been previously examined in either the '902 Application or in '504 Application are original Claims 37-41. Claims 15-23 and 42-45, presented in this application, have not been previously allowed.

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In the present application, Claims 1-14, 22-36 and 46-49 have been cancelled. Claims 15-23 and 37-45 are currently pending in this application. Applicants respectfully request consideration of each of the pending claims.

If any additional fee is required in connection with the filing of the above-indicated patent application, authorization is hereby given to charge such fee to the Deposit Account of the undersigned attorney, Account No. 01-1785; any refund of an overpayment should be credited to the same account.

Respectfully submitted,

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